

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRICK GILLS,

Defendant.

Case No. 13-20581

Honorable John Corbett O'Meara

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION

This matter came before the court on defendant Derrick Gills' December 5, 2013 motion for reconsideration of the court's November 26, 2013 order denying, among other things, Defendant's motion to require disclosure and production of prosecution informant. No response was filed, and no oral argument was heard.

Defendant argues "there was a palpable defect in the proceeding and that the court has been misled." Def.'s mot. at 2. Defendant contends "[t]he Court did not entertain Defendant's assertion that the Informant did not exist, and or that the information in affiant's affidavit was knowingly false and all of the information that was used as a basis to obtain the search warrant was premised on false statements and information regarding alleged pre-buys from Defendant that did not occur." Id. Defendant further argues that "[t]his Court did not consider that the information in the affidavit[,] which was the sole basis for the search warrant[,] was false, that the search warrant was potentially invalid, since in the absence of this information no probable cause for the search warrant exists, and that any evidence seized from an invalid search warrant be suppressed." Id. at 2-3.

None of these contentions, however, was argued in defendant Gills' October 4, 2013 motion to require disclosure of the informant nor his October 4, 2013 motion to suppress evidence because of an invalid search warrant; therefore, Defendant's arguments are not proper issues for a motion for reconsideration. Even if they were, however, the court would deny the motion.

Although Defendant argues that no confidential informant existed in this case, the fact remains that the affidavit for the search warrants was supported by probable cause. The affidavit stated that ATF agents conducted surveillance throughout the course of the controlled buys, and Defendant has failed to present *any* evidence to show that events outlined in the affidavit have been fabricated.

Therefore, it is hereby **ORDERED** that defendant Gills' December 5, 2013 motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: January 29, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 29, 2014, using the ECF system.

s/William Barkholz
Case Manager